UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/9
2 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 4 of the provisional agenda

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Report of the High Commissioner for Human Rights pursuant to paragraph 5 of General Assembly resolution 48/141

GE.99-11108 (E)

CONTENTS

		Paragraphs	Page
Introduction		1 - 3	3
I.	DEALING WITH HUMAN RIGHTS VIOLATIONS	4 - 19	4
II.	RIGHTS OF THE CHILD	20 - 26	7
III.	GENDER AND THE HUMAN RIGHTS OF WOMEN	27 - 30	9
IV.	WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE	31 - 37	10
V.	RIGHT TO DEVELOPMENT	38 - 42	11
VI.	TECHNICAL COOPERATION, NATIONAL STRATEGIES, NATIONAL INSTITUTIONS AND EDUCATION	43 - 59	12
VII.	FIELD PRESENCES	60 - 61	16
VIII.	CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS	62 - 67	16
IX.	FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND FIVE-YEAR REVIEW OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION	68 - 78	18
X.	STRENGTHENING UNITED NATIONS MACHINERY FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS	79 - 84	20
XI.	CONCLUSION	85 - 88	22

Annexes

I.	INTERNATIONAL COOPERATION FOR HUMAN RIGHTS IN ACTION; EVOLVING POLICIES OF TECHNICAL COOPERATION	23
II.	OHCHR FIELD PRESENCES/OPERATIONS	25

Introduction

1. The present report is submitted pursuant to paragraph 5 of General Assembly resolution 48/141 in which the Assembly requested the High Commissioner to report annually to the Commission. During the last year, the High Commissioner has submitted reports to the Commission at its fifty-fourth session (E/CN.4/1998/122), the Economic and Social Council at its substantive session of 1998 (E/1998/84), and the General Assembly at its fifty-third session (A/53/36).

2. This report is intended to update prior reports, in particular the report to the General Assembly. It has a twofold aim: to provide the Commission on Human Rights with information on key areas of the human rights programme that are of particular interest to it, and to demonstrate the evolving orientations and trends in the Office of the High Commissioner (OHCHR), which can be summarized as follows:

(a) On the eve of the new millennium the policy orientations of the Office are being updated so as to set in place strategies designed to support the efforts of Governments and to promote practical regional and international cooperation for the promotion and protection of human rights. Particular attention is being given to national strategies and systems, the integration of human rights in all areas of endeavour, the development of a universal culture of respect for human rights through education and promotional activities, efforts for the protection of human rights, universal implementation of the rights of the child, promoting equality and combating discrimination, responding to emerging problems affecting the enjoyment of human rights, and harnessing the energies of new actors in the global quest to uphold respect for human rights;

(b) As the Office of the High Commissioner settles down from an extended process of restructuring and reform, emphasis is being laid on professionalism, and systems and quality control. The move to the Palais Wilson has engendered a shared sense of a new identity for the Office as it prepares for the challenges of the future;

(c) New approaches to financing and new personnel policies are being developed under the aegis of the Secretary-General to place the Office on sounder foundations;

(d) Collegial managerial institutions are in place and are functioning well. They include a Senior Policy Committee, a Management Board, a Project Review Committee, a Field Recruitment Committee, and an Advisory Panel on Personnel Issues;

(e) A coherent internal monitoring and evaluation system is also in place and in use;

(f) A project-oriented approach is being developed and a specialist in project formulation and implementation is on board who assists in the preparation of project documents and in the monitoring of their implementation;

(g) In the development of arrangements and policies to support field presences, workplans have been requested from each field presence or operation based on a standard format. A code of conduct has been distributed to all staff and personnel in the field. A task force meets weekly to support field presences and operations. A system of weekend duty officers has been instituted to be responsive to the needs of the field; evaluation missions are being sent to review field presences and operations, and all major field presences are being systematically audited. A full-time security coordinator reviews the security situations and arrangements in the countries of field presences and operations;

(h) Particular attention is being given to in-house seminars and training sessions, and a process of structured training of staff is being planned.

3. In short, the Office of the High Commissioner is gearing up for the challenges of the future with principled commitment, rational and efficient managerial practices, new methods, and renewed energy from its staff throughout - as will be seen in the ensuing sections.

I. DEALING WITH HUMAN RIGHTS VIOLATIONS

4. United Nations concern with human rights began in reaction to the horrors of the massive human rights violations associated with the Second World War. Establishing the machinery for dealing with human rights violations was perhaps the most difficult task of the United Nations and those mechanisms, notably the special procedures mandates, are relatively recent developments. Today, as a result of those mandates, the Commission on Human Rights has before it a wide range of information about violations in specific countries or territories and relating to some 20 serious thematic violations of human rights. These sources begin to provide a valuable basis for surveying the global situation of human rights.

5. In 1998 we commemorated the fiftieth anniversary of the Universal Declaration of Human Rights. Unfortunately, it was also a year that witnessed the systematic and brutal denial of basic human rights to large numbers of people in different parts of the world, emphasizing that we must still struggle to turn principle into effective action.

6. Deeply troubling were the massive executions and killings of people which have continued to take place in many countries. Armed conflict, for example, in the Democratic Republic of the Congo, the Republic of the Congo, Sierra Leone, Burundi and Angola and between Ethiopia and Eritrea have brought about widespread loss of life, maiming, torture and destruction. Pillaging and the destruction of the economic infrastructure deprived hundreds of thousands of the basic necessities of life. And acts of terror against defenceless civilians in Algeria have led to many deaths.

7. Ethnic strife in Kosovo has resulted in widespread executions of civilians reminiscent of prior "ethnic-cleansing" atrocities. Elsewhere, failure to respect the identity, culture and language of a minority Kurdish population has fed violent revolt and a violent response. In Afghanistan, widespread violence against the civilian population is combined, in certain

areas, with a systematic and at times extremely brutal denial of the human rights of women. Reports of massacres and executions from many other countries were received, including from Colombia. These conflicts also engender large-scale movements of refugees and displaced persons. In many cases, human rights defenders, trade unionists and journalists are specifically selected as targets for killing or torture. These are some examples of the more disturbing situations of strife and widespread human rights violations in the world today.

8. Extremely disturbing reports of the denial of the human rights to food, shelter, access to health care, work and an adequate standard of living were also received last year. The access to rights, be they civil and political or economic, social and cultural, by the poor, the excluded and the marginalized has never been easy, with Governments, in the developed and developing world alike, often preferring to respond to the pressures of the more powerful and articulate groups in society rather than to protect the rights of the generally silent and politically weak poor. But the situation in 1998 was particularly serious as the effects of the Asian economic crisis were felt first in that region, particularly in Indonesia, and spread to Russia and most recently to Latin America. The result was the fall into poverty of many hundreds of thousands, the inaccessibility of education for a growing number, all the attendant deprivations of poverty and an alarming rise in sectarian violence and discrimination. A direct impact of the economic crisis has been a dramatic increase in the sale of children for sexual exploitation and in the trafficking of women and children for forced prostitution.

9. Many of the most serious violations were foreseeable and it may be that effective international preventive action could have saved many thousands of lives. So, too, might much misery have been avoided, had the Governments and institutions concerned kept human rights in mind when dealing with the economic crisis. It is thus encouraging that the Security Council has been giving more and more attention to violations of basic norms of human rights and humanitarian law during conflict situations and that international financial bodies are beginning to consider the human rights consequences of their decisions. OHCHR is thus working closely with United Nations early warning efforts, is developing a memorandum of understanding with the Department of Peacekeeping Operations and will continue to make available information to members of the Security Council as it considers these matters. It has also contributed to the human rights aspects of discussions on the new international financial architecture and will seek to work more closely with international financial institutions on this subject.

10. The coming two years will see an increased focus on the particularly serious and, unfortunately, growing phenomena of racism, racial discrimination, xenophobia and intolerance as the international community addresses the challenges of combating racism through the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Often, these violations are at the root of or closely associated with the serious human rights violations described above.

11. In this context, an important area for attention is the new communications technologies, in particular computer networks such as the Internet which are being used to disseminate racist and xenophobic propaganda

throughout the world. The Internet enables people to communicate across the street or around the world instantly; the international community is concerned by the activity of various groups which have launched on-line hate propaganda or opened on-line forums to denigrate minorities, promote racism and xenophobia and identify potential recruits.

12. Violations of the human rights of indigenous peoples through discrimination and exclusion are particularly serious. Despite some positive measures, many indigenous people suffer below average health and life expectancy, have less access to education than the majority population, and are usually disadvantaged in employment. In certain cases, the cultures and languages of indigenous peoples are threatened by State policies. Further, manifestations of racism, xenophobia and related intolerance are often directed against members of minority groups whose racial, ethnic, religious, linguistic and cultural characteristics may differ from those of the rest of the population. Economic recession in developed countries has increased xenophobic attitudes and acts of violence towards migrant workers and members of their families, and a number of them have lost their jobs and found themselves stranded in the host States. The World Conference and its preparatory activities will provide opportunities to consider these and other important topics in the fight against racism.

13. The mandate of the High Commissioner set forth in Assembly resolution 48/141 calls upon her, inter alia, to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights, including the right to development; to play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world; to engage in a dialogue with Governments in order to secure respect for human rights; to enhance international cooperation for the promotion and protection of human rights; and to coordinate human rights promotion and protection activities throughout the United Nations system.

14. In carrying out this aspect of the mandate, the High Commissioner intercedes when there is credible information that a human rights violation may be or has been committed, normally by entering into a dialogue with the concerned State or by issuing a public statement. Further, the Office of the High Commissioner for Human Rights is more and more engaged in human rights work at the grass-roots level through its field presences.

15. The High Commissioner also works in close cooperation with the special procedures system of the Commission on Human Rights. While the High Commissioner has joined, on a case-by-case basis, thematic or country-specific rapporteurs in taking joint urgent action, her primary role as High Commissioner is to develop and enhance the "front-line" work in the defence of human rights. In this regard, the High Commissioner has initiated a three-month multidisciplinary review of the special procedures system with the goal of improving its effectiveness.

16. The High Commissioner also plays an important role in ensuring that there is follow-up and implementation of the recommendations of special rapporteurs. In response to a request by the fourth meeting of special

rapporteurs/representatives, experts and chairpersons of working groups, OHCHR prepared for the fifth meeting a study on procedures for ensuring implementation of and follow-up to recommendations of special rapporteurs (E/CN.4/1999/3/Add.1). The High Commissioner has also followed with keen interest the review of the mechanisms of the Commission on Human Rights by its Bureau, an important aspect of which is the need to improve and enhance follow-up and implementation of recommendations by special rapporteurs. The High Commissioner will continue to liaise with the special rapporteurs on this issue.

International responsibility for human rights violations and violations of humanitarian law

17. Combating impunity on the international level for human rights violations and violations of international humanitarian law is an important element in preventing future serious violations and in responding to the right of victims to justice. A crucial step in this direction was the adoption last year of the Statute of the International Criminal Court. A rapid ratification of the Statute and its entry into force would do much to enforce the message that serious violators can no longer hide. The two existing international criminal courts, concerning the former Yugoslavia and Rwanda, are important first steps which merit support and full cooperation from all States. And it is encouraging to see that national jurisdiction over serious non-citizen violators is being asserted when the country of nationality appears unable to bring them to justice.

18. This year we commemorate the centennial year of the Hague conventions of 1899 and the fiftieth anniversary year of the adoption of the four Geneva Conventions of 12 August 1949 on the protection of victims of war. While the concern to limit unnecessary suffering during war can be traced back centuries and to many cultures and traditions around the world, the International Peace Conference held at The Hague in 1899 represents a landmark in the development of the laws of war, later termed the "international law of armed conflict", and the rise of modern international humanitarian law. These treaties, along with the two Additional Protocols to the Geneva Conventions adopted in 1977, lay down important precepts for protecting human beings in time of armed conflict.

19. This anniversary year will be the occasion for many activities aimed at strengthening this system including a campaign to support and provide substantive contributions to the United Nations Preparatory Commission for the International Criminal Court and for early entry into force of the Statute of the Court, and for encouraging closer cooperation between the fields of human rights and humanitarian law.

II. RIGHTS OF THE CHILD

20. Protecting the rights of the child has grown to be a major theme on the agenda of the Commission on Human Rights. The Commission considers such wide-ranging and important matters as the Convention on the Rights of the Child, issues relating to children in armed conflict, exploitation of child labour, sale and trafficking of children, child prostitution and child pornography, violence and discrimination against the girl child, and the

preparation of two optional protocols to the Convention on the Rights of the Child, one raising the age for recruitment of child soldiers and one on the sale of children.

Convention on the Rights of the Child

21. The Convention on the Rights of the Child is the cornerstone of United Nations activities to protect the rights of the child. The Convention is based on the interdependence and indivisibility of all human rights and thus protects the whole range of rights, civil, cultural, economic, political and social, and is founded on the principle of the best interest of the child and the child's right of participation. The almost universal ratification of the Convention makes it a particularly powerful tool for advancing the rights of the child. It has become the basis for a system-wide integrated approach to human rights and, through its implementation process, has had a considerable impact on the programmes of most United Nations agencies and bodies.

22. 1999 marks the tenth anniversary of the adoption of the Convention by the General Assembly. This occasion provides a welcome opportunity to reflect upon the impact this innovative instrument has had on children's lives and to highlight the achievements and challenges in translating the Convention into concrete action. The commemorative activities will hopefully lead to even more determined efforts to make implementation of the rights of the child all over the world a priority of all Governments, United Nations agencies, NGOs and civil society at large. Some main challenges remain to be faced, such as the suffering of children in armed conflict, or the situation of those affected by child labour. Current efforts of the Special Representative of the Secretary-General for children and armed conflict and the proposed ILO convention on the prohibition and immediate elimination of the worst forms of child labour will contribute to make this year a crucial one in emphasizing the importance of the universal implementation of the rights of the child.

23. In this framework, the Office of the High Commissioner and the Committee on the Rights of the Child have agreed to organize a two-day workshop during the twenty-second session of the Committee in September 1999 to assess the impact of the Convention after 10 years, both at the national and international level, and to design recommendations to strengthen its implementation in the future. Also in the context of the tenth anniversary of the Convention, a proposal has been made that the Commission during its fifty-fifth session organize a special interactive dialogue on children similar to the dialogue on the human rights of women which took place at its fifty-fourth session in 1998. Such a dialogue would enable the Commission to consider how best to strengthen the protection of the rights of the child in the next century. The OHCHR will support and facilitate the organization of such a dialogue.

Sale of children and trafficking

24. In 1998, the Special Rapporteur on the sale of children, child prostitution and child pornography focused her work upon the sale of children. The increased international attention being given to issues of sexual exploitation has heightened awareness of the extent to which children in so

many areas of the world are being sold both for sexual exploitation and for other purposes. It also brought to light the fact that in most cases where there is sale trafficking is also involved.

HIV/AIDS

25. On 5 October 1998, the Committee on the Rights of the Child held a discussion on children living in a world with HIV/AIDS. The discussion emphasized the interconnection between HIV/AIDS-related strategies and a rights-centred approach to the child. The need to make more and better use of existing international legal instruments in an effort to improve HIV/AIDS prevention and care for children was stressed, with specific reference to the International Guidelines on HIV/AIDS and Human Rights. On the basis of the general discussion, a set of recommendations was formulated by the Committee.

26. The Commission on Human Rights may wish to give the question of trafficking in children for purposes of sexual exploitation its close attention. It is an issue of increasing gravity which because of its transnational character requires strong international coordination and action. The issue of child soldiers also requires action. Most, if not all, the conflicts which ravage the world today involve children as combatants and victims in violation of the basic laws of human rights and humanity. This is unacceptable. The optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict should be agreed as soon as possible, preferably in this tenth anniversary year. Also, existing norms must be fully enforced. Arming children, directly or indirectly, should not be tolerated and those countries which are exporters of arms should ensure that they are not sent to countries which arm children in violation of international law.

III. GENDER AND THE HUMAN RIGHTS OF WOMEN

27. The Office of the High Commissioner for Human Rights continues to intensify its effort, in coordination with the Division for the Advancement of Women of the Secretariat, to integrate a gender perspective in all human rights activities and to help ensure that the human rights of women are included as an important element of all activities of the system. This is in line with agreed conclusions 1997/2, relating to gender mainstreaming throughout the United Nations system, adopted by the Economic and Social Council. A joint work plan for the Division and the Office has been agreed and submitted to both the Commission on the Status of Women and the Commission on Human Rights.

28. A mission statement on gender and the human rights of women is being finalized and will identify action at three levels: (a) the integration of a gender perspective into all aspects of the Office of the High Commissioner for Human Rights, with particular attention being paid to policy development, strategic planning and the setting of priorities and objectives; (b) the active and broad participation of women in all fields of United Nations human rights activity; and (c) the initiation of specific programmes, special projects and activities aiming at integrating gender and the human rights of women.

29. All training activities carried out as part of country projects under the OHCHR technical cooperation programme continue to include sessions on the human rights of women, with specific focus on concerns relevant to each professional group addressed by the training (judges, police officials, members of non-governmental organizations, government officials and others). Guidelines on gender and the human rights of women are also being developed.

30. The OHCHR will continue to pursue the integration of a gender perspective into all human rights mechanisms, activities and programmes of the United Nations system; foster knowledge and understanding on the incorporation of a gender perspective into human rights activities and programmes; invest in capacity-building at the regional and national levels in incorporating a gender perspective; and develop an information base on the situation of human rights of women.

IV. WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

31. In its resolution 52/111, the General Assembly decided to convene, not later than the year 2001, a World Conference on racism and racial discrimination, xenophobia and related intolerance. It designated the Commission on Human Rights to serve as the preparatory committee for the Conference. It also decided that when the agenda of the World Conference was decided upon, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance, would be taken into consideration. The World Conference would be action-oriented and focus on practical measures to eradicate such phenomena, including measures of prevention, education and protection, taking into full consideration the existing human rights instruments.

32. These decisions were reaffirmed by the Assembly in its resolution 53/132.

33. The Commission on Human Rights, for its part, in its resolution 1998/26, decided to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session. The Commission also invited the Committee on the Elimination of Racial Discrimination, the Sub-Commission for the Prevention of Discrimination and Protection of Minorities and NGOs to participate fully in the preparations for the World Conference.

34. The preparations for the World Conference, and the Conference itself, are to be a priority of the Office of the High Commissioner in order to ensure that the best conditions are in place for the international community to meet this important challenge, hopefully through concrete and effective measures aimed at eliminating a pernicious phenomenon.

35. The Office intends to play a catalytic role in bringing together the activities of the United Nations and its specialized agencies in preparing for the World Conference. It will also act as a facilitator and an organizer of inter-agency activities as well as a supporter of initiatives of intergovernmental and non-governmental organizations and well-known

personalities with the view to promoting preparations for the Conference. It further intends to follow closely and coordinate meetings and other activities in preparation for the World Conference at national, regional and international levels, so that the outcome, the proposals and ideas resulting from these processes can be submitted to the Preparatory Committee. The Office, with the Department of Public Information, will also devise and implement a world information campaign aimed at sensitizing world public opinion on the objectives of the Conference.

36. In order to support the Commission in the best manner possible, OHCHR has set up a specialized team to assist in the preparatory process for the current session of the Commission. As a guide for the activities to be undertaken, the Office has also elaborated an internal plan of action for the World Conference.

37. In order to assist the Commission and to enable it to implement the decisions of the international community, the OHCHR would need adequate human and financial resources. The High Commissioner, therefore, takes this opportunity to launch an appeal to all States Members of the United Nations to help make the necessary resources available, to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination in order that the activities being planned at the national, regional and international levels can be implemented.

V. RIGHT TO DEVELOPMENT

38. Considerable progress in realizing the right to development has been made since the adoption of the Declaration on the Right to Development in 1986. The follow-up mechanism established by the Commission on Human Rights at its fifty-fourth session has opened a new phase in the international community's endeavours to give practical meaning to all economic, social and cultural rights, including the right to development.

39. The United Nations system has assumed a particular responsibility in the promotion of sustainable human-oriented development. The coordinated follow-up to the United Nations conferences and summits has provided an instrumental inter-agency framework to that end. The right to development bridges conceptually the work of the development agencies and those of the human rights community. All the United Nations conferences held after the World Conference on Human Rights in 1993 have expressed the deep-rooted political will of Member States to use human rights as an important paradigm for their development agenda. Coordinated follow-up to these conferences has been based on an integrated approach, recognizing linkages between development and human rights that were highlighted at the ECOSOC coordination segment in July 1998.

40. The United Nations system is in the process of accepting the rights-based approach to development, which orients activities not simply in terms of human needs or of development requirements, but in terms of society's obligations to respond to the inalienable rights of individuals. In the relations between individuals and States, the rights-based approach introduces the notions of entitlement of the individual and accountability of the State. Entitlement and accountability are not conditional or relative but stem from

the legal force of human rights. The examples of UNICEF and, more recently, of UNDP show that the rights-based approach to development benefits both individuals and communities.

41. While the implementation of the right to development is the primary responsibility of Governments, they should not be left alone in coping with this task. In the age of globalization, international cooperation is gaining a particular weight and should also involve international and regional organizations, transnational corporations, NGOs and individuals. The United Nations has an important leadership role to play in forging new partnerships in this area.

42. It is of paramount importance that all actors recognize their own responsibility for the respect for and observance of human rights. In this context, the corporate sector is increasingly placing ethical commitments on its agenda with a view to adjusting its policies to take account of the human rights standards. This is an essential step, one which the international financial institutions are expected to support. The Office of the High Commissioner is therefore intensifying its cooperation with the corporate sector in order to further encourage the promotion and protection of human rights.

VI. TECHNICAL COOPERATION, NATIONAL STRATEGIES, NATIONAL INSTITUTIONS AND EDUCATION

43. Technical cooperation in the field of human rights is growing rapidly. This is due to the understanding that has emerged among Member States that building and strengthening national human rights capacities is one of the best ways to ensure the rule of law, promote sustainable development, prevent violations of human rights and avoid potential conflicts. During 1998, 49 technical cooperation projects were carried out, 10 at the global level, 8 at the regional level and 31 at the national level. For 1999, the technical cooperation programme will include activities ranging from needs-assessment missions, elaboration of and support for the implementation of national plans of action, establishing and/or strengthening of national human rights institutions, seminars, workshops and training activities, as well as the dissemination of human rights documentation. New requests for assistance have been received from several countries.

44. Technical cooperation is partly financed by the regular budget of the United Nations but extrabudgetary resources are indispensable if technical cooperation is to be provided, field activities supported and other endeavours carried out. A qualified fund-raising officer is being recruited to help mobilize adequate and predictable levels of funding, and to enhance contacts with donors.

45. Status reports on project activities and on the financial situation of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights are prepared quarterly and made available to Member States, other donor countries, and other partners to ensure maximum transparency and accountability in the management of technical cooperation.

46. The technical cooperation programme is carried out in close coordination and cooperation with other United Nations programmes and agencies. The ongoing dialogue with these partners enhances the efficiency and the effectiveness of the programme. Annex I contains more information on this programme.

A. National plans of action

47. The Vienna Declaration and Programme of Action called on States to consider the desirability of developing a national plan of action identifying steps to improve the promotion and protection of human rights. The Office of the High Commissioner for Human Rights has encouraged and supported State initiatives for the creation of national plans as a means of translating commitments to human rights into concrete steps for action. A number of countries, including Australia, Bolivia, Brazil, Ecuador, Indonesia, Latvia, Malawi, the Philippines, South Africa and Venezuela, have already developed such plans. The High Commissioner welcomes this progress and again invites States to seek the support of her Office in the development and implementation of comprehensive, effective and sustainable national action plans for the promotion and protection of human rights.

48. A number of initiatives, many of them region-specific, are currently under way to facilitate the process by which national plans are developed and implemented. These will include specialized programmes and workshops in the African, Asian-Pacific, European, Latin American and Caribbean regions. These workshops will bring together key stakeholders in order to facilitate a dialogue on national plans. They are designed to assist States in identifying strategies for the formulation and implementation of a comprehensive, effective and sustainable national plan which accurately reflects national priorities and concerns.

B. National human rights institutions

49. Independent national human rights institutions have a critical role to play in the implementation of international human rights standards at the national level. Accordingly, the High Commissioner has continued to place a high priority on this area. Activities of the Office in support of national institutions can be broadly divided into two areas: the provision of practical advice and assistance with regard to the establishment of new institutions and the strengthening of existing ones; and support to international and regional networks and meetings of national institutions. In relation to the first focus area, 1998 saw a considerable increase in the number of requests for assistance from Governments interested in establishing new national human rights institutions. In such cases, the Office of the High Commissioner was able to provide support, ranging from assistance with legislative drafting to the convening of national workshops to develop broad consensus on the functions and powers of the proposed institutions. A large number of requests for assistance were also received from existing national institutions. In a number of such cases, the Office, often in cooperation with UNDP, coordinated comprehensive programmes of assistance aimed at enhancing the capacities of the relevant institutions to discharge their functions.

50. The OHCHR has also been active, throughout 1998, in strengthening regional groupings of national institutions. The High Commissioner co-sponsored and attended the Second Conference of African National Institutions for the Promotion and Protection of Human Rights (Durban, South Africa, July 1998) and attended the first Meeting of Mediterranean National Institutions for the Promotion and Protection of Human Rights (Marrakesh, Morocco, April 1998). The Office also supported the third Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions (Jakarta, September, 1998). This cooperation will continue to include collaborative training programmes aimed at enhancing technical capacities of the national institutions of the region.

51. The OHCHR also provides support to the international Coordinating Committee of national institutions, which held its sixth meeting in Geneva on 2, 3 and 6 April 1998 in conjunction with the annual session of the Commission on Human Rights. The Coordinating Committee encourages and facilitates international coordination of activities among national institutions and is responsible for organizing the regular international workshops of national institutions. The Committee has recently expanded its membership to 16 national institutions and at present comprises four representatives from each of the four regional groups: Africa, Europe, the Americas and the Asian-Pacific region.

52. The rapid growth in the number of requests for assistance has placed heavy demands on the Office. In 1998 the High Commissioner, with the help of donors, was able to allocate additional personnel and resources to this area.

53. Additional information on the work of the Office in the area of national human rights institutions can be found in the relevant report of the Secretary-General to the Commission (E/CN.4/1999/95).

Workshop for the Asian-Pacific region

54. In March 1998 the Office organized in Tehran the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region at which the Governments of the region adopted the Framework for Regional Technical Cooperation in the Asian and Pacific region designed to develop, inter alia:

National plans of action for the promotion and protection of human rights and the strengthening of national capacities;

Human rights education;

National institutions for the promotion and protection of human rights; and

Strategies for the realization of the right to development and economic, social and cultural rights.

Agreement was also reached on specific actions to be taken within the Framework for Regional Technical Cooperation.

55. Within this context, OHCHR organized the seventh workshop in New Delhi from 16 to 18 February 1999. The workshop reviewed the follow-up actions taken since Tehran and identified future action to be taken to facilitate the process of developing regional cooperation and possible regional arrangements for the promotion and protection of human rights. Twenty-nine government representatives from the region took part, together with the six national human rights commissions which are members of the Asia-Pacific Forum and non-governmental organizations in consultative status with ECOSOC from the Asian-Pacific region or with an interest in the region. In addition, subregional intergovernmental organizations were invited to participate.

56. The workshop welcomed the commitment of OHCHR to implement the Framework for Cooperation agreed at Tehran and noted the decision of OHCHR to appoint a regional human rights adviser. The workshop agreed upon a number of specific activities to be carried out over the next 12 months under three headings: national plans of action, human rights education, and national institutions. These include inter-sessional regional workshops on national plans of action on compliance with reporting obligations under international human rights standards, on best practices concerning national plans of action for human rights education, on national human rights institutions for countries interested in establishing such an institution, and on the implementation of the right to development and economic, social and cultural rights. It was also agreed to support two national institution workshops to be organized by the Asia-Pacific Forum during 1999 (one in Sri Lanka and one in the Philippines). A separate report on the outcome of the workshop has been submitted to the Commission on Human Rights at its present session (E/CN.4/1999/94).

C. Human rights education

57. Human rights education, training and public information continue to be priorities of the Office of the High Commissioner. The commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights provided an occasion to enhance activities in this area, as highlighted in the reports of the Secretary-General to the Commission on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/1999/87) and on public information activities in the field of human rights (E/CN.4/1999/86).

58. The High Commissioner, in her role as Coordinator of the United Nations Decade for Human Rights Education (1995-2004), has continued to facilitate initiatives undertaken by all partners at the international, regional, national and local levels, such as various meetings devoted to the development of regional strategies for human rights education (three regional conferences have been organized by UNESCO between December 1998 and February 1999; an International Conference on Human Rights Education in the Asia-Pacific Region took place in Osaka in November 1998; and various non-governmental organizations have also undertaken activities).

59. At the national level, the High Commissioner is promoting the adoption of comprehensive (in terms of outreach), effective (in terms of educational strategies) and sustainable national plans of action for human rights education, in accordance with the Guidelines for national plans of action for

human rights education (A/52/469/Add.1 and Add.1/Corr.1). National plans of action for human rights education, which have been called for both by the General Assembly and the Commission, are intended to be an integral part of the national development plan (when applicable) and be complementary to other relevant national plans of action already defined (general human rights plans of action or those relating to women, children, minorities, indigenous peoples, etc.).

VII. FIELD PRESENCES

60. Improving the effectiveness of the work conducted through the field presences of the Office of the High Commissioner has been a special focus of the High Commissioner during 1998. The field operation in Rwanda was terminated at the request of the Government of Rwanda in July 1998. The High Commissioner has indicated the willingness of her Office to support, through workshops and other forms of technical cooperation, the establishment of an independent national human rights institution in Rwanda.

61. At present there are field presences in Burundi, Liberia, Malawi, Rwanda, Angola, the Democratic Republic of the Congo, South Africa, southern Africa, Togo, the Central African Republic, Cambodia, Gaza, Mongolia, Colombia, Guatemala, El Salvador, the Federal Republic of Yugoslavia, Croatia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Abkhazia, Georgia. Some of these presences are administered directly by OHCHR; others have been established through cooperative arrangements with the Department of Peacekeeping Operations or the Department of Political Affairs. Depending on their specific mandate, field presences implement technical cooperation programmes to support governmental and civil society institutions in strengthening their capacity for the promotion and protection of human rights, through training, legal assistance, expert advice, public education and other activities. They also monitor the general human rights situation through a process of information-gathering, investigating, documenting and reporting; provide support to special rapporteurs or representatives in implementing their mandates; liaise closely with other relevant United Nations agencies and programmes to facilitate an integrated United Nations approach to development, peace and human rights. Annex II contains more information on this subject.

VIII. CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS

62. The direct involvement of people, individually and through non-governmental organizations and other organs of civil society, is essential to solving the grave human rights problems of our time. The Universal Declaration placed the realization of the rights it proclaimed squarely in the hands of "every individual and every organ of society" and the history of human rights protection is the collective actions of individuals and organizations.

63. Last year, the NGO community played an important role in the commemoration of the fiftieth anniversary of the Universal Declaration and the five-year review of the Vienna Declaration and Programme of Action. An impressive number of events, activities and publications on human rights were connected with the fiftieth anniversary; many were grass-roots activities

undertaken by local organizations. For the five-year review, the NGO community organized several major conferences and submitted, through the report of the Secretary-General, extensive substantive information to the General Assembly. During the fifty-third session of the General Assembly, the High Commissioner convened a meeting of NGOs and interested government delegations to discuss those issues.

64. In its efforts to reach out to civil society, OHCHR is exploring avenues of cooperation with new partners. In particular, in the period under review, the Office has strengthened its cooperation with the Inter-Parliamentary Union with a view to associating parliaments throughout the world more effectively with human rights efforts at the international level. Clearly, members of parliament do play a leading role in the promotion and protection of human rights at the national level. However, far too often they remain unaware of the main developments and instruments at the international level. Accordingly, IPU and OHCHR are discussing possible areas of cooperation within the framework of the preparation of a memorandum of understanding between the two organizations. This would include, inter alia, ratification of the main human rights instruments, adoption of national plans of action, establishment and strengthening of independent national institutions, human rights education, identification of progress in the implementation of economic, social and cultural rights, technical cooperation and preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Human rights defenders

65. The General Assembly acknowledged the importance of the commitment of individuals, non-governmental organizations and other sectors of civil society to the protection of human rights by adopting the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms by its resolution 53/144. The Declaration commits Governments to ensure that persons in their country are free to promote and protect human rights without fear of persecution. At its present session, the Commission will be able to follow up on the implementation of that Declaration.

Human rights and the private sector

66. The growth in the private sector, the evolving role of Government and economic globalization have led to increased attention being paid to business enterprises as important actors in the human rights domain. In many ways business decisions can affect profoundly the dignity and rights of individuals and communities. Business is coming to recognize this and there are a growing number of activities in the business community to establish benchmarks, promote best practices and adopt codes of conduct. Governments retain the primary responsibility for human rights and it is not a question of asking business to fulfil the role of Government, but of asking business to promote human rights in its own sphere of competence. Corporations responsible for human rights violations must also be held to account.

67. The relationship between the United Nations and the business community has been growing in a number of important areas and the Secretary-General has

proposed to the leaders of the business community, individually through their firms and collectively through business associations, to embrace, support and enact a set of core values in the areas of human rights, labour standards and environmental practices. The Secretary-General has asked the relevant United Nations agencies, including OHCHR, to be ready to assist the private sector in incorporating those values and principles into mission statements and corporate practice. OHCHR is now examining the various ways of responding to corporate concern for human rights.

IX. FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND FIVE-YEAR REVIEW OF THE IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

A. Fiftieth anniversary

68. The final months of 1998 brought the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights to its culminating point. The incredible array of activities, programmes and events which took place throughout 1998 in all parts of the world left no doubt as to the extent to which the Declaration's message has been embraced and given renewed prominence worldwide. The activities undertaken to mark the anniversary by Governments, international and regional organizations and, most notably, by civil society at all levels - local, national, regional and international - have also provided clear evidence of a reinvigorated commitment to human rights as the common principles which should unite the international community as a new century begins. The task ahead is to build on the energy and dedication which the fiftieth anniversary prompted. The importance of using this occasion as a launching point for new actions to promote and protect human rights was a key element of messages which the High Commissioner delivered to a number of fiftieth anniversary forums.

69. Many commemorative events took place at the national and international levels, including at United Nations Headquarters. On 7 and 8 December, in the birthplace of the Universal Declaration, the Government of France and UNESCO organized "The Paris Meeting - Human Rights on the Eve of the 21st Century". Also on 8 December in Paris, the Human Rights Defenders Summit, organized by Amnesty International, International ATD Fourth World Movement, the International Federation of Human Rights Leagues and France Libertés brought together human rights advocates from all continents. From 8 to 10 December, in Washington D.C., the US Holocaust Museum organized a conference on "Genocide and Crimes against Humanity: Early Warning and Prevention" to mark both the fiftieth anniversary of the Universal Declaration of Human Rights and the Genocide Convention.

70. On 10 December, Human Rights Day, the General Assembly held a special commemorative meeting, addressed by the President of the General Assembly, the Secretary-General and the High Commissioner. That meeting featured the awarding of the 1998 Prizes in the Field of Human Rights. The winners of the 1998 awards were: Sunila Abeysekera (Sri Lanka), Angelina Acheng Atyam

(Uganda), Jimmy Carter (United States of America), José Gregori (Brazil) and Anna Sabatova (Czech Republic). A prize was also given in honour of all human rights defenders. 1/

71. The Assembly adopted resolution 53/168 on the fiftieth anniversary in which it declared its commitment to the fulfilment of the Declaration as a source of inspiration for the further promotion and protection of all human rights and fundamental freedoms - political, social, civil and cultural - including the right to development.

72. Among the commemorative events was the unveiling of the new section of the Website of the Office of the High Commissioner for Human Rights featuring the Universal Declaration of Human Rights translated into over 250 languages. The project was the result of a global cooperative effort and was a true representation of the Declaration's universal message.

B. Five-year review of the implementation of the Vienna Declaration and Programme of Action

73. The special human rights events of the last months of 1998 also included the final phase of the five-year implementation review of the Vienna Declaration and Programme of Action by the General Assembly. The Assembly's review was the culmination of a process which began during the fifty-fourth session of the Commission on Human Rights (see Commission resolution 1998/78) and was followed by a review of the United Nations system's contribution to the implementation of the Vienna Declaration and Programme of Action by the Economic and Social Council (see Council agreed conclusions 1998/2) during its 1998 coordination segment.

74. The overall review in the General Assembly was an opportunity for stock-taking and, on that basis, designing future action aimed at the further implementation of the Vienna Declaration and Programme of Action. Some 53 Governments responded to the invitation to send reports on the implementation at the national level, as had been envisaged by the World Conference in Vienna. The Assembly discussed the issue at three meetings. As mentioned, the High Commissioner convened a consultation to provide a framework for an exchange between Governments and the non-governmental community on the implementation of the Vienna Declaration and Programme of Action. In its resolution 53/166, the Assembly solemnly declared its commitment to the fulfilment of the Vienna Declaration and Programme of Action. It also called for the full implementation of the ECOSOC agreed conclusions 1998/2 on the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action, and reaffirmed that the Vienna Declaration and Programme of Action continued to constitute a solid foundation for international human rights efforts.

1/ The statements by the Secretary-General and the High Commissioner and more information on the 1998 recipients can be found on the Website of the Office of the High Commissioner for Human Rights or in UN Press Release SG/98/11 of 10 December 1998.

75. It is noteworthy that ECOSOC, on the basis of a special report of the Secretary-General (E/1998/60), devoted its coordination segment to the "Coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action". The review was enriched significantly by the participation of partners in the United Nations system, many of whom took part in the inter-agency process carried out during 1997 and 1998. Their reports provided many examples of diverse activities which contribute to the implementation of the recommendations made by the World Conference and highlighted the ongoing commitment to strengthening the role of human rights throughout the United Nations system, as called for in the Secretary-General's Programme for Reform.

76. Agreed conclusions 1998/2, the implementation of which will be reported on to the Council at its next session, not only confirms the growing involvement on the part of the United Nations system in activities relevant to human rights, but also offers important guidance for the years to come for efforts to achieve a system-wide approach to human rights.

77. As the High Commissioner pointed out in her final report on the "Vienna+5" review (A/53/372, annex), one can note a number of positive developments over the five years since the World Conference on Human Rights, including the advancement of human rights on national and international agendas; human rights-oriented changes in national legislation; enhancement of national human rights capacities, including the establishment or strengthening of national human rights institutions; special protection extended to women, children and vulnerable groups, among others; and further strengthening of the human rights movement worldwide.

78. In her report the High Commissioner also noted areas in which substantial progress would need to be made in order to fully implement the Vienna Declaration and Programme of Action. The following general points were emphasized in this regard: strengthening the implementation of human rights at the national level; adapting the United Nations human rights machinery to current and future needs; taking determined action to create a favourable environment for human rights and human development including common efforts to eradicate extreme poverty; developing an effective approach to preventing human rights violations; enhancing efforts to develop a culture of human rights through, inter alia, human rights education; and improvement of conditions for the activities of non-governmental organizations and civil society at large.

X. STRENGTHENING UNITED NATIONS MACHINERY FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

79. The adaptation and strengthening of United Nations machinery for human rights was a main objective of the World Conference on Human Rights. The Commission on Human Rights took an important step in that direction at its last session by updating and streamlining its agenda and launching a review process aimed at enhancing the effectiveness of the human rights machinery.

The Bureau of the Commission has been considering this question and has prepared a thoughtful report (E/CN.4/1999/104) which is before the present session of the Commission.

80. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, the annual meeting of special rapporteurs/representatives, experts and chairpersons of working groups and the meeting of chairpersons of human rights treaty bodies have all made contributions to this process.

81. The meetings of the chairpersons of the treaty bodies have become an increasingly important forum in which they can share their views and experiences, coordinate activities among the treaty bodies, as appropriate, and examine innovative ideas for improving the functioning of the treaty bodies. As of this year, the meeting of chairpersons will be scheduled to coincide with the annual meeting of special rapporteurs, as a measure to facilitate formal and informal contacts between the two groups of independent experts. The chairpersons have also used the occasion of their annual meeting to meet informally with representatives of States parties, which has allowed them to gain further insight into the implications of their work from the perspective of States parties. Such informal consultations are now a regular part of the meeting.

82. The senior staff structure of the Office of the High Commissioner is now in place with the appointment by the Secretary-General of Mr. B.G. Ramcharan as Deputy High Commissioner. Two retreats of senior officials were held in order to prepare a vision of the work of the Office and set out strategic aims which would enable the programme to achieve the objectives set for it in the medium-term plan. The most recent retreat agreed on a mission statement for the Office of the High Commissioner for Human Rights as follows:

> "To spearhead efforts of people worldwide in the promotion and protection of human rights so that everyone can live in a society shaped and governed in the image of the international human rights standards agreed upon by the United Nations."

83. The Office of the High Commissioner for Human Rights has continued to support the inclusion of human rights in the four core areas of United Nations activities. The High Commissioner is a member of the Executive Committee on Economic and Social Affairs, the Executive Committee on Peace and Security, the Executive Committee on Humanitarian Affairs and the United Nations Development Group (UNDG). OHCHR is convenor of the Working Group on the Right to Development of the UNDG. The Office has participated throughout the year in meetings of the Executive Committees, the High Commissioner herself attending whenever possible. This year OHCHR is looking forward to enhancing its participation in the Committees. In the Executive Committee on Peace and Security, the Task Force on the Integration of Human Rights into Conflict Prevention, Peacemaking, Peacekeeping and Peace-Building is of particular importance. It adopted an important set of guidelines in October 1998.

84. The High Commissioner is a member of the Senior Management Group of the United Nations which meets weekly under the chairmanship of the Secretary-General. The High Commissioner participates by teleconference from Geneva or personally when in New York.

XI. CONCLUSION

85. The United Nations human rights programme is growing in breadth and complexity as are the challenges facing the effective implementation of the mandate of the High Commissioner for Human Rights. In the 50 years since the Universal Declaration was adopted, the effective implementation of human rights has become a priority concern for individuals, civil society and the international community and is seen as a defining responsibility of the State. Within the United Nations, human rights is an issue of growing importance cutting across all areas of the Organization's responsibilities. There are growing demands that the international financial, trade and development architecture justify itself in terms of its benefits to human beings, how it advances their rights, in addition to purely technical criteria.

86. The gap between human rights rhetoric and the reality of the lives of millions of human beings is the tragedy of our times. Genocide and mass killings are still part of our world and over 1 billion of our fellow human beings are denied the basic material elements of life - food, shelter, and access to health care. Similar large numbers are denied access to basic education and many are persecuted because of their race, religion or ethnic origin. Torture and arbitrary executions are commonplace and democratic participation in Government is denied to millions as corruption undermines the integrity of Government and the rule of law. And as foreshadowed in the Universal Declaration, rebellion beckons many who are subjected to tyranny and oppression.

87. These are not the only challenges to human rights. Scientific and technological developments in fields such as genetics, human cloning and biotechnology are posing fundamental questions about our understanding of human rights.

88. The United Nations and the other organs of the international community have much to contribute to overcoming the obstacles to enjoyment of human rights. However, the principal responsibility is at the national level, with Governments, civil society and individuals. There are a number of concrete objectives at which Governments can aim and the Commission on Human Rights is the ideal forum for encouraging action and monitoring progress on their achievement. These objectives, set out in a letter to all Governments sent by the Secretary-General and the High Commissioner on the occasion of the fiftieth anniversary of the Universal Declaration, are as follows:

> All States have signed and ratified the International Covenants on Human Rights and the four principal human rights conventions;
>
> All States have made the Universal Declaration of Human Rights known to every citizen, beginning by introducing it into the primary school curriculum;
>
> All States have implemented the "Declaration on Human Rights Defenders" in the true spirit of support for defenders of human rights everywhere;
>
> All States have redoubled their efforts to implement the 30 articles of the Universal Declaration in full.

Annex I

INTERNATIONAL COOPERATION FOR HUMAN RIGHTS IN ACTION: EVOLVING POLICIES OF TECHNICAL COOPERATION

I. DEFINITIONS

Purpose

1. The purpose of the OHCHR technical cooperation programme is to assist countries - including Governments and civil society - in promoting and protecting all human rights at the national and regional levels, through the incorporation of international human rights standards in national laws, policies and practices, and building a sustainable national capacity to implement these standards and ensure respect for human rights.

Scope and means

2. Components of the technical cooperation programme include development of national plans of action for human rights; assistance for legislative reform; electoral assistance; support to national human rights institutions established in accordance with the Paris Principles; assistance in the areas of administration of justice, the military, parliaments and treaty reporting; human rights education, information and documentation; strengthening of non-governmental organizations; promotion of economic, social and cultural rights and of women's rights.

3. Assistance provided by OHCHR takes the form of assessment of domestic human rights needs; expert advisory services; training courses, workshops and seminars; fellowships and grants; provision of information and documentation.

Normative basis

4. Technical cooperation activities are based on international human rights standards as defined in the instruments adopted within the United Nations and on international practice in applying them in all regions of the world, giving balanced attention to civil, cultural, economic, political and social rights.

Complementarity with other United Nations human rights mechanisms

5. Technical cooperation is one of the means available to the United Nations human rights programme in the pursuit of increased respect for human rights. Technical cooperation does not exempt Governments from monitoring mechanisms or procedures established by policy-making bodies. Rather, technical cooperation activities can complement, but never substitute for the monitoring and fact-finding activities of the United Nations human rights programme. Indeed, technical cooperation may contribute to the implementation of recommendations made by elements of the programme, including the human rights treaty bodies.

Voluntary character

6. Technical cooperation programmes, like all United Nations programmes of this kind, are carried out at the request or with the consent of the Governments concerned.

System-wide approach

7. A policy of enhanced collaboration with other key United Nations actors is being pursued in the implementation of technical cooperation activities, with a view to maximizing their impact and the use of United Nations resources. Close cooperation in the formulation and implementation of projects is particularly significant with UNDP, owing in particular to the memorandum of understanding in force between the two agencies.

Integration into national development objectives

8. Technical cooperation programmes are grounded in the national development objectives of the countries concerned and aim at supporting the achievement of national development goals, programmes and policies, in accordance with international human rights standards. Existing national human rights expertise is relied upon in all phases of technical cooperation programmes, from project definition to implementation and evaluation.

Participatory approach

9. Technical cooperation programmes are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions established in accordance with the Paris Principles, in addition to the judicial, legislative and executive branches of Government.

Needs assessment

10. Technical cooperation programmes are developed based on a technical assessment of the human rights needs of the requesting country. This is normally conducted by means of a mission to the country by OHCHR staff, and through a process of broad consultations with governmental and non-governmental organizations and individuals, as well as with United Nations agencies and programmes operating in the country.

Methodology

11. Technical cooperation projects are based on a methodology which include needs assessment, project formulation based on the Logical Framework method, management and implementation, monitoring and evaluation.

Programme priorities

12. In making decisions on project proposals and on the use of available resources, priority is given to projects to be implemented in countries in transition and least developed countries, projects corresponding to national development objectives and integrated into broader United Nations strategies

in the country concerned, projects which facilitate broad participation of all elements of society and which offer sustainable institution-building benefits. The country's firm commitment to improving the promotion and protection of human rights and the acceptance of the programme methodology are also elements which are considered in making a decision.

II. ADMINISTRATIVE ASPECTS

Funding

13. OHCHR technical cooperation activities are funded mainly through the United Nations regular budget and/or the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. Other extrabudgetary sources, and co-funding arrangements with other United Nations agencies and programmes, can also in some cases be used for such activities.

Procedure

14. Technical cooperation programmes are developed and implemented through an established procedure, which includes the following phases:

(a) **Request**. Technical cooperation projects are initiated by a formal request addressed by the Government concerned to the Office of the High Commissioner for Human Rights or - less frequently - by a request by a United Nations policy-making body that OHCHR engages in technical cooperation in a certain country;

(b) **Decision to assess needs**. Following receipt of a request, a decision is taken by the OHCHR Senior Policy Committee, based on programme priorities and resources, whether to launch the process which may lead to the formulation of a technical cooperation programme;

(c) **Needs-assessment mission**. Following a positive decision by the Senior Policy Committee, preparatory research on the country concerned is conducted based on in-house information, including relevant recommendations by United Nations bodies and mechanisms, and available external information. A needs-assessment mission is then fielded to the requesting country to define priority areas for human rights assistance in the legal, institutional and educational areas with a view to improving national promotion and protection of human rights. During such missions, assessment teams meet with all interested parties, both governmental and non-governmental, and United Nations and other agencies engaged in human rights-related areas, and collect all available relevant documentation and legislation. The mission is followed by the compilation of collected data in a report, which also contains an analysis and assessment of the needs identified and proposals for action. Thorough needs assessment is essential for the formulation of technical cooperation programmes, which are tailored to the specific needs of the requesting country and relevant to their specific human rights problems;

(d) **Project formulation**. Following the needs-assessment mission, a technical cooperation project is formulated based on the priorities identified and taking into account the availability of adequate resources. If additional information is necessary, or if further discussions are needed to refine the

project strategy, a project formulation mission may take place. Projects are based on the standard Logical Framework method for project formulation, based on a clear identification of the country's human rights context and background; the human rights needs/problems to be addressed; solutions offered by the project; target beneficiaries (direct and indirect); long-term and immediate objectives, outputs, activities, inputs and risks;

(e) **Internal appraisal**. Projects formulated following needs-assessment missions are subject to an internal appraisal by the newly established OHCHR Project Review Committee;

(f) **External appraisal**. Projects are also subject to an external appraisal by the Board of Trustees of the Voluntary Fund for Technical Cooperation;

(g) **Approval**. Final approval rests with the High Commissioner, for OHCHR, and the Government concerned, and is formalized through the signature of the project document;

(h) **Implementation**. Projects are implemented by OHCHR, including through the fielding of project teams and through a series of short-term missions from Geneva. Administrative backstopping is provided by the United Nations Office at Geneva, the United Nations Office for Project Services or UNDP, as appropriate;

(i) **Monitoring**. Progress in project implementation is assessed on an ongoing basis and through project-monitoring missions involving broad consultations with all national counterparts. Project monitoring is necessary to assess the continuing relevance of the strategy pursued through the project to the country concerned, and to ensure that any adjustment which is needed to meet the country's human rights needs is made;

(j) **Evaluation**. All projects are subject to independent mid-term and final evaluation, as relevant. Project evaluation aims at assessing the impact of the project on the human rights situation of the country concerned, with specific regard to the sectors and problems addressed by the project.

Staff training

15. Core technical cooperation staff have undergone formal training in project design and management, and additional training activities for staff responsible for technical cooperation activities are planned for 1999. Internal briefings are also being organized.

Annex II

OHCHR FIELD PRESENCES/OPERATIONS

Introduction

1. Historically, the pillars of the human rights and humanitarian law movements have included norms, research, promotion, dissemination, advisory services, fact-finding, and fostering of national strategies, institutions and systems.

2. In the post-1945 period, gross violations of human rights have claimed as many victims as wars. Today, internal conflicts proliferate with devastating consequences for human rights. Some 55 countries are in the grip of such conflicts.

3. In response, the human rights movement is in the process of erecting a new pillar to support its work: field operations in situations of conflict and in post-conflict peace-building situations. A complementary effort is promotion of national plans and institutions for the promotion and protection of human rights, which will be backstopped by the International Criminal Court.

4. Today OHCHR has field operations or presences in 20 countries; altogether, there are major technical assistance projects in some 40 countries: (i) monitoring cum technical cooperation presences in Burundi, Cambodia, Colombia, Bosnia and Herzegovina, Croatia, the Democratic Republic of the Congo and Yugoslavia; (ii) cooperative presences with DPKO/DPA in Angola, the Central African Republic, Liberia, Sierra Leone and Abkhazia, Georgia; (iii) technical cooperation presences in Malawi, South Africa, southern Africa (Southern African Development Community), Togo, Gaza, Mongolia, Guatemala and El Salvador. There is a total of 260 international and national staff in the field presences. The components with DPKO and DPA are financed mainly from the regular budget, as is the Cambodian operation; OHCHR raises funds for the others, which in 1999 will entail expenditures of $23.5 million.

5. The goal of human rights field operations that is in the process of definition indicates thus far that, with respect to the three areas of activity (crisis, conflict and post-conflict peace-building):

(a) OHCHR presences/operations contribute to efforts for conflict prevention, assist Governments to strengthen their national capacity to dealing with situations of human rights violations, integrate human rights into development and other activities of the United Nations system, raise human rights awareness among the population and support civil society and NGOs;

(b) In coordination with humanitarian agencies, the ICRC and other actors, field operations help mitigate the suffering of the victims of human rights violations, advise Governments on the implementation of international

human rights standards, raise awareness among the civil society and NGOs, and contribute, in coordination with other United Nations departments and agencies, to planning for peace-building;

(c) OHCHR field presences support the consolidation of peace and reconciliation by assisting Governments in meeting their obligations under human rights treaties; strengthening national capacity-building through the development of effective human rights institutions; designing strategies for the elaboration of holistic human rights policies taking into consideration the specific needs of women, children, indigenous peoples and other groups; contributing to the restoration of the rule of law by training NGOs, civil society and law enforcement agents.

6. A summary of the activities of the 20 OHCHR field presences is given in the following section:

I. ACTIVITIES OF OHCHR FIELD PRESENCES

Burundi

7. The multifaceted role of OHCHR-Burundi is to: (a) support the peace and reconciliation process by contributing to the restoration of the rule of law, to ending impunity and to the strengthening of the human rights capacity of civil society; (b) monitor the human rights situation and investigate violations of human rights, ensure proper follow-up and make recommendations to the authorities; (c) facilitate the participation of international advocates for the defence of detainees and civilian parties in trials stemming from the events of 1993; and (d) prevent by its presence further violations of human rights, and mitigate the effects of suffering due to the crisis and ongoing conflict.

Democratic Republic of the Congo

8. The OHCHR office in the Democratic Republic of the Congo was established in December 1996 following the signing of an agreement with the Government of the former Zaire providing for the deployment of two human rights officers to Kinshasa. The office's mandate is to: (a) monitor the human rights situation; (b) advise the governmental authorities on the implementation of international human rights standards; and (c) provide assistance to local NGOs.

Cambodia

9. OHCHR-Cambodia has been operating since 1993 based on a specific mandate from the Commission on Human Rights. In addition, the office's activities are currently based on a memorandum of understanding between the Government and the High Commissioner for Human Rights which was renewed in early 1998. With the Commission's guidance, the office's work focuses on: (a) managing the implementation of educational and technical assistance and advisory services programmes; (b) assisting the Government of Cambodia in meeting its obligations under the human rights instruments to which it has acceded, including the preparation of reports to the treaty bodies; (c) providing support to bona fide human rights groups in Cambodia; (d) contributing to the

creation and/or strengthening of national institutions for the promotion and protection of human rights; (e) assisting with the drafting and implementation of legislation to promote and protect human rights; and (f) assisting with the training of persons responsible for the administration of justice. In addition, the office provides support to the Special Representative of the Secretary-General for human rights in Cambodia in maintaining contact with the Government and people of Cambodia and assisting the Government in the promotion and protection of human rights.

Colombia

10. The role of OHCHR-Colombia is: (a) to observe the human rights situation with a view to advising the Colombian authorities on the formulation and implementation of policies, programmes and measures to promote and protect human rights; (b) to advise the representatives of civil society, non-governmental human rights organizations and individuals on matters within its competence; and (c) to ensure that the recommendations and decisions of United Nations bodies are duly taken into account by government agencies with relevant duties and responsibilities, and to advise them on the adoption of specific implementation measures.

Bosnia and Herzegovina

11. The role of OHCHR's office in Bosnia and Herzegovina is: (a) to mainstream human rights in all on-site activities of the United Nations system; (b) to assist the parties in realizing their commitment to secure to all persons within their jurisdiction the highest level of internationally recognized human rights, as required by the Dayton Agreement; (c) to support the work of the lead agency for civilian implementation of the Dayton Agreement, the Office of the High Representative, in its activities in the field of human rights; and (d) to support the mandates of the Special Rapporteur and the High Commissioner for Human Rights by providing information, analyses and recommendations for action.

Croatia

12. The office has the double role of working with the Government of Croatia to ensure the highest level of respect for the human rights of all Croatians, in accordance with Croatia's international obligations, and supporting the mandates of the Special Rapporteur and the High Commissioner for Human Rights by providing information, analyses and recommendations for action.

Federal Republic of Yugoslavia

13. The office is mandated to promote cooperation between the Government and the High Commissioner for Human Rights pursuant to General Assembly resolution 48/141; to further the mandate of the Office of the High Commissioner; to promote the observance of human rights in the Federal Republic in places such as Kosovo; to act as a focal point for human rights-related concerns, working with other international actors, in accordance with the High Commissioner's mandate as set out in resolution 48/141; to support the mandates of the Special Rapporteur and the High Commissioner by providing information, analyses and recommendations for

action; and to play a role in formulating and presenting recommendations for improving respect for human rights in the Federal Republic, including with respect to the establishment of a human rights infrastructure.

Angola

14. The role of the Human Rights Division of the United Nations Observer Mission for Angola is to contribute to the peace process by: (a) raising human rights awareness in the country; (b) documenting the human rights situation during the difficult period of the reinstatement of the Government's administration in UNITA-occupied areas; (c) assisting the Government in reinforcing the justice system and the police; (d) strengthening civil society by promoting the activities of NGOs, building their human rights capacity and creating a stronger network.

Central African Republic

15. The mandate of the human rights component of the United Nations Mission in the Central African Republic (MINURCA) is to: (a) provide, as requested by the Government, advice to the national authorities and organizations on human rights issues; (b) identify technical assistance needs for capacity-building in this area. The component is to coordinate with and seek guidance from OHCHR. MINURCA's mandate has been extended to June 1999.

Liberia

16. The United Nations office in Liberia subsumed, in 1997, the United Nations Observer Mission in Liberia. UNOL is mandated, in post-elections Liberia, to help consolidate the peace and prevent a relapse into conflict; facilitate the provision of technical assistance and support by the United Nations system for reconciliation efforts and the establishment of democratic institutions; and facilitate communications between the Government of Liberia and the United Nations on matters relating to peace-building objectives. With specific regard to human rights, UNOL's work focuses on the promotion of human rights amongst both governmental institutions and civil society. Following the Camp Johnson Road incident in September 1998, UNOL's operational capacity has seriously diminished. UNOL human rights staff have been actively monitoring the treason trials and the courts-martial resulting from the Camp Johnson Road incident.

Sierra Leone

17. The Human Rights Unit of the United Nations Observer Mission in Sierra Leone (UNOMSIL) is responsible for the implementation of UNOMSIL's human rights mandate, as defined by the Security Council in 1998. This includes, *inter alia*, reporting on the violations of international humanitarian law and human rights and assisting the Government of Sierra Leone in its efforts to address human rights needs.

Abkhazia, Georgia

18. The OHCHR office in Abkhazia, Georgia, was authorized by the Security Council in October 1996. The role of the Office is to: (a) report

on human rights; (b) promote respect for human rights through advisory services and technical cooperation; (c) contribute to the safe return of internally displaced persons and refugees.

Malawi

19. OHCHR-Malawi is responsible for carrying out a technical cooperation programme which commenced in 1996 and has its basis in the 1994 Joint Declaration on technical cooperation in the field of human rights signed by the First Vice-President of Malawi and the High Commissioner for Human Rights. The programme aims at assisting the Government to develop and implement activities aimed at consolidating the democratic process and the establishment of a human rights institutional infrastructure.

South Africa

20. OHCHR's office in South Africa is responsible for carrying out technical cooperation activities based on a broad programme agreed with the Government in 1997. The office is supporting key governmental and civil society institutions, including the Human Rights Commission, the Justice College, the Ministry of Justice, the Commission on Restitution of Land Rights and the Ministry of Safety and Security, in order to develop their capacity for planning, implementing, managing and evaluating policies, strategies and training programmes for the promotion and protection of human rights, coordinating external assistance and developing policies and plans of action in the area of affirmative action. The office played an important role in facilitating the development of a comprehensive national plan of action on human rights through a nationwide consultative process. A key feature of the programme is its important focus on economic, social and cultural rights through activities in support of developing a rights-oriented approach to land reform.

Southern Africa

21. The Regional Human Rights Programme Office for Southern Africa is a joint project of OHCHR and UNDP, which is aimed at mobilizing and coordinating increased United Nations system-wide assistance in the area of human rights, democracy and the rule of law. It is doing so through raising awareness of the OHCHR technical cooperation programme among Governments and other partners in southern Africa, by mainstreaming human rights into the development programmes of the United Nations country teams, and by strengthening subregional networks of institutions, NGOs, Parliaments and police. The Regional Programme Office covers the countries in the SADC/Indian Ocean Group of UNDP's Regional Bureau for Africa.

Togo

22. OHCHR-Togo is responsible for implementing technical cooperation activities based on the project agreed with the Government in 1996. The office's activities relate to the two areas of the administration of justice and human rights education. The project, with a total duration of three years, will come to an end in mid-1999.

Gaza

23. OHCHR-Gaza was established at the end of 1996 to implement the technical cooperation programme agreed by OHCHR with the Palestinian Authority. The office's role is to assist the Palestinian Authority and civil society in strengthening Palestinian institutional capacities in the area of the rule of law, based on a tripartite strategy incorporating the complementary elements of law, policy, and institutional structure. Accordingly, the programme focuses on the following three main areas: (a) establishing a legal framework consistent with human rights standards, through the provision of advisory services on legislative drafting and support to Palestinian institutions and organizations to conduct legal analysis work; (b) developing an official human rights policy, through assistance for the elaboration of a national plan of action on human rights; (c) strengthening of national structures whose role is crucial in protecting and promoting human rights, with special focus on the administration of justice (through advisory services and training for police, prisons officials, judges, prosecutors and lawyers), on the Palestinian Independent Commission on Citizens' Rights and on local non-governmental organizations.

Mongolia

24. OHCHR-Mongolia is implementing technical cooperation activities with the objective of fully integrating constitutional and international human rights standards into national practice. Since 1994, OHCHR's role has mainly been to support the judiciary through provision of human rights training, conduct general human rights documentation and education activities and support civil society. A new project was developed in 1998 based on the evaluation of activities previously conducted by OHCHR in cooperation with the Mongolian Government. The current project is initially foreseen to last for one year.

Guatemala

25. The office was established as part of a technical cooperation project signed by OHCHR and the Government of Guatemala in 1996. Its role is to assist the Government in strengthening the national capacity for the consolidation of the rule of law and democracy in the context of the peace process through the promotion and enjoyment of human rights for all. It has been implementing activities aimed at assisting the Office of the Human Rights Ombudsman, organizing training courses for civil society organizations, the Presidential Commission in charge of Human Rights and the National Civil Police.

El Salvador

26. The main role of the OHCHR Technical Cooperation Office in El Salvador, which was established in April 1997, has been to keep human rights on the national agenda after a long internal conflict which ended with the signature and implementation of peace agreements between the Government and the Frente Farabundo Martí de Liberación Nacional (FMLN).

27. The office is mandated to support the national initiatives for the establishment and strengthening of democratic institutions and the rule of law

with due respect for human rights. OHCHR is actively engaged in: (a) providing advisory services for the revision of domestic legislation vis-à-vis the international human rights norms; (b) providing advisory services for the incorporation of a human rights approach in development activities and policy design; (c) strengthening national institutions; (d) building and strengthening national capacities for the promotion and protection of human rights, including fact-finding, monitoring, reporting and raising awareness.

II. FIELD PRESENCE ADMINISTRATION

28. A concerted effort is under way to make the administration of our field presences professional, efficacious and responsive, as the following elements indicate (details can be found in the report of the Secretary-General on Advisory services and technical cooperation in the field of human rights (E/CN.4/1999/99)):

(a) Every new project is scrupulously reviewed by a Project Review Committee;

(b) A new Field Recruitment Committee advises on field appointments;

(c) An Advisory Panel on Personnel Issues has been established to carry out the functions of an appointments and promotions body for field personnel and to advise on issues such as rotation;

(d) A full-time Security Coordinator reviews the security situation and arrangements in the countries of field presences;

(e) Detailed work plans have been requested from each field presence based on a standard format;

(f) A code of conduct has been drawn up and distributed to all field personnel;

(g) To keep track of the needs of field operations/presences a task force meets weekly under the chairmanship of the Deputy High Commissioner;

(h) A system of weekend duty officers has been instituted to be responsive to emergencies in the field;

(i) A weekly meeting of officers servicing field operations/presences is now held to monitor needs, cross-fertilize and build up an internal doctrine;

(j) An urgent audit has been requested of every major field operation;

(k) A four-person evaluation mission visited Burundi. This follows an expert examination of the major field operations;

(l) Training programmes for field personnel are being planned.

- - - - -